

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE MIMS,

Petitioner,

v.

ROBERT BURTON,

Respondent.

Case No. 2:22-cv-00521-TLN-JDP (HC)

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL AND
GRANTING MOTION FOR EXTENSION OF
TIME

ECF Nos. 10 & 11

Petitioner is a state prisoner proceeding without counsel on a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 11, 2022, the court screened his petition, notified him that it failed to state a federal claim, and gave him thirty days to file an amended petition. ECF No. 9. Petitioner has now filed motions for a ninety-day extension of time to file an amended petition and for appointment of counsel. ECF Nos. 10 & 11. Petitioner's motion for an extension of time is granted in part, and he is granted thirty days from the date of this order to file an amended petition.

Petitioner's motion for appointment of counsel is denied. A petitioner in a habeas proceeding does not have an absolute right to appointment of counsel. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). However, the court is authorized to appoint counsel at any stage of the case "if the interests of justice so require." *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); 18 U.S.C. § 3006A(a)(2)(B). In assessing whether to appoint counsel, the court evaluates the petitioner's likelihood of success on the merits and his ability to articulate his

1 claims, considering the complexity of the legal issues involved. *See Weygandt v. Look*, 718 F.2d
2 952, 954 (9th Cir. 1983).

3 The court cannot conclude at this point that the interests of justice warrant appointing
4 petitioner counsel. The legal issues involved in this action are not exceptionally complicated, and
5 petitioner has not demonstrated a likelihood of success on the merits.

6 Accordingly, it is hereby ORDERED that:

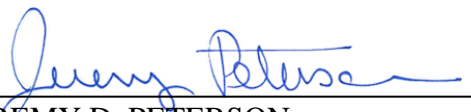
7 1. Petitioner's motion for appointment of counsel, ECF No. 11, is denied.

8 2. Petitioner's motion for an extension of time, ECF No. 10, is granted in part.

9 3. Petitioner is granted thirty days from the date of this order in which to file an amended
10 petition.

11 IT IS SO ORDERED.
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13 Dated: June 7, 2022
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16 JEREMY D. PETERSON
17 UNITED STATES MAGISTRATE JUDGE
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